

**REPORT OF THE AUDIT OF THE
FORMER FLEMING COUNTY
SHERIFF'S SETTLEMENT - 2006 TAXES**

**For The Period
April 4, 2006 Through December 31, 2006**



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY

**AUDIT EXAMINATION OF THE
FORMER FLEMING COUNTY
SHERIFF'S SETTLEMENT - 2006 TAXES**

**For The Period
April 4, 2006 Through December 31, 2006**

The Auditor of Public Accounts has completed the audit of the former Sheriff's Settlement - 2006 Taxes for Fleming County Sheriff for the period April 4, 2006 through December 31, 2006. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The former Sheriff collected taxes of \$3,170,966 for the districts for 2006 taxes, retaining commissions of \$122,173 to operate the Sheriff's office. The former Sheriff distributed taxes of \$3,047,022 to the districts for 2006 Taxes. Taxes of \$148 are due to the districts from the Sheriff and refunds of \$863 are due to the Sheriff from the taxing districts.

Report Comment:

The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts

Deposits:

The former Sheriff's deposits as of December 7, 2006 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured \$1,496,327

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robert M. Burnside, Secretary

Finance and Administration Cabinet

Honorable Larry Foxworthy, Fleming County Judge/Executive

Honorable Jerry Wagner, Former Fleming County Sheriff

Honorable Scotty Royse, Fleming County Sheriff

Members of the Fleming County Fiscal Court

Independent Auditor's Report

We have audited the former Fleming County Sheriff's Settlement - 2006 Taxes for the period April 4, 2006 through December 31, 2006. This tax settlement is the responsibility of the former Fleming County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the former Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the former Fleming County Sheriff's taxes charged, credited, and paid for the period April 4, 2006 through December 31, 2006, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated June 14, 2007 on our consideration of the former Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robert M. Burnside, Secretary

Finance and Administration Cabinet

Honorable Larry Foxworthy, Fleming County Judge/Executive

Honorable Jerry Wagner, Former Fleming County Sheriff

Honorable Scotty Royse, Fleming County Sheriff

Members of the Fleming County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen

Auditor of Public Accounts

June 14, 2007

FLEMING COUNTY
JERRY WAGNER, FORMER SHERIFF
SHERIFF'S SETTLEMENT - 2006 TAXES

For The Period
April 4, 2006 Through December 31, 2006

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 661,143	\$ 713,384	\$ 1,397,959	\$ 509,797
Tangible Personal Property	55,736	68,125	119,846	86,389
Fire Protection	1,785			
Increases Through Exonerations	49	52	103	37
Franchise Taxes	30,767	34,738	66,355	
Adjusted to Sheriff's Receipt	8	35	16	5
Gross Chargeable to Sheriff	<u>749,488</u>	<u>816,334</u>	<u>1,584,279</u>	<u>596,228</u>
<u>Credits</u>				
Exonerations	1,812	1,955	3,835	1,517
Discounts	10,328	11,234	21,814	8,684
Official Receipt For Incoming Sheriff	<u>102,780</u>	<u>112,112</u>	<u>217,682</u>	<u>81,610</u>
Total Credits	<u>114,920</u>	<u>125,301</u>	<u>243,331</u>	<u>91,811</u>
Taxes Collected	634,568	691,033	1,340,948	504,417
Less: Commissions *	<u>27,257</u>	<u>28,940</u>	<u>44,251</u>	<u>21,725</u>
Taxes Due	607,311	662,093	1,296,697	482,692
Taxes Paid	606,862	661,430	1,296,183	482,547
Refunds (Current and Prior Year)	<u>505</u>	<u>515</u>	<u>1,070</u>	<u>396</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Fieldwork	<u>\$ (56)</u>	<u>\$ 148</u>	<u>\$ (556)</u>	<u>\$ (251)</u>
* Commissions:				
10% on	\$ 10,000			
4.25% on	\$ 1,648,468			
4% on	\$ 171,550			
3.3% on	\$ 1,340,948			
** Special Taxing Districts:				
Library District	\$ 93			
Health District	11			
Extension District	11			
Ambulance District	<u>33</u>			
Due Districts	<u>\$ 148</u>			

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2006

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The former Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT
DECEMBER 31, 2006
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The former Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 41.240(4). As of December 31, 2006, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of December 7, 2006, \$1,496,327 of public funds were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured \$1,496,327

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2006. Property taxes were billed to finance governmental services for the year ended June 30, 2007. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 20, 2006 through December 31, 2006.

Note 4. Interest Income

The former Fleming County Sheriff earned \$894 as interest income on 2006 taxes. The former Sheriff was in substantial compliance with his statutory responsibility regarding interest.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Foxworthy, Fleming County Judge/Executive
Honorable Jerry Wagner, Former Fleming County Sheriff
Honorable Scotty Royse, Fleming County Sheriff
Members of the Fleming County Fiscal Court

Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the former Fleming County Sheriff's Settlement - 2006 Taxes for the period April 4, 2006 through December 31, 2006, and have issued our report thereon dated June 14, 2007. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Fleming County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the former Fleming County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the former Fleming County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting which is a basis of accounting other than generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we do not believe that the significant deficiencies described above are material weaknesses.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the former Fleming County Sheriff's Settlement – 2006 Taxes for the period April 4, 2006 through December 31, 2006 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

June 14, 2007

COMMENT AND RECOMMENDATION

FLEMING COUNTY
JERRY WAGNER, FORMER SHERIFF
COMMENT AND RECOMMENDATION

As of December 31, 2006

STATE LAWS AND REGULATIONS:

None.

INTERNAL CONTROL – SIGNIFICANT DEFICIENCIES:

The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts

The former Sheriff's office lacked adequate segregation of duties over receipts and disbursements. Most employees of the former Sheriff's office collected tax receipts. The chief deputy collected tax receipts, prepared the daily deposit, and reconciled the daily receipts to the daily tax collection report. The Sheriff's bookkeeper posted daily receipts to the receipts ledger. The former Sheriff should have segregated these duties or implemented the following compensating controls to offset this internal control weakness:

- The former Sheriff could have periodically reviewed the bank reconciliation.
- The former Sheriff could have periodically reviewed the reconciliation of daily receipts to daily tax collection report and initialed the daily tax collection report to signify this review.
- The former Sheriff could have reconciled the monthly report to the receipts ledger and initialed the receipts ledger to document this review.

Former Sheriff's Response:

Ok.

